

REMARKS/ARGUMENTS

The Applicants have carefully considered this Application in connection with the Examiner's Action and respectfully request reconsideration of the Application in view of the following remarks.

The Applicants originally submitted Claims 1-16 in the application. The Applicants have amended Claims 1-16 in this response. Accordingly, Claims 1-16 are currently pending in the application.

I. Rejection of Claims 1-3 and 16 under 35 U.S.C. §102

The Examiner has rejected Claims 1-3 and 16 under 35 U.S.C. §102(e) as being anticipated by U.S. Patent No. 6,434,135 to Ozluturk, *et al.* The Applicants respectfully submits that Ozluturk is not a valid anticipatory reference because Ozluturk fails to recite each and every element of the presently claimed invention. Specifically, with respect to Claim 1, Ozluturk fails to teach “receiving a second communication signal from the second transmission source, the receiving including receiving at least one parameter derived from the transmitted first communication signal.” While Ozluturk teaches the general concept of receiving a signal from a second transmission source, she is silent with respect to receiving at least one parameter derived from the transmitted first signal.

Moreover, Ozluturk fails to recite or teach the element of the presently claimed invention of “determining a measure of interference with the transmitted first communication signal based on the at least one received parameter.” Instead, Ozluturk teaches a configuration for controlling the power level of a transmission by *locally* monitoring the transmitted power level, and clipping the

transmitted signal based on predetermined relationship between clipping level and signal-to-noise ratio (SNR). Col. 4, lines 19-35; FIG. 8; FIG. 9. There is no teaching in Ozluturk of using a received parameter to determine a measure of interference with a transmitted signal. Thus, Ozluturk fails to recite each and every element of Claim 1, and this Claim and those depending from it are allowable. The Applicants therefore respectfully request that the Examiner withdraw the rejection of Claims 1-3.

With respect to Claim 16, the Ozluturk fails to recite the element of “determining a measure of interference with the transmitted signal based on the at least one parameter.” As set forth above, Ozluturk does not teach receiving a parameter with a received signal, and therefore cannot determine a measure of interference with a transmitted signal based on a received parameter. Instead, Ozluturk specifically discloses a distinctly different concept, *i.e.*, determining a clipping level based on *local* measurement of the output power of a transmitted signal. Thus, Ozluturk fails to recite each and every element of Claim 16, and the Claim is allowable. The Applicants therefore respectfully request that the Examiner withdraw the rejection of Claim 16.

IV. Conclusion

In view of the foregoing amendments and remarks, the Applicants now view all of the Claims currently pending in this application to be in condition for allowance and therefore earnestly solicit a Notice of Allowance for Claims 1-16.

The Applicants request the Examiner to telephone the undersigned attorney of record at (972) 480-8800 if such would further or expedite the prosecution of the present application.

Respectfully submitted,

HITT GAINES, P.C.

A handwritten signature in black ink, appearing to read 'DHH', is written over the printed name of David H. Hitt.

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